

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1971

H.P. 1460 House of Representatives; January 7, 1988
Submitted by the Department of Corrections pursuant to
Joint Rule 24.

Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative KIMBALL of Buxton.

Cosponsored by Representatives STROUT of Windham, THISTLE
of Dover-Foxcroft, and Senator DILLENBACK of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Authorize a Probation Officer to
2 Bring an Ex Parte Motion to Change the
3 Conditions of Probation.
4

5 Be it enacted by the People of the State of Maine as
6 follows:

7 17-A MRSA §1202, sub-§2, as enacted by PL 1975,
8 c. 499, §1, is amended to read:

9 2. During the period of probation specified in
10 the sentence made pursuant to subsection 1, and upon

1 application of a person on probation, his probation
2 officer, or upon its own motion, the court may, after
3 a hearing upon notice to the probation officer and the
4 person on probation, modify the requirements imposed,
5 add further requirements authorized by section 1204,
6 or relieve the person on probation of any requirement
7 that, in its opinion, imposes an unreasonable burden
8 on him. Notwithstanding the first sentence of this
9 subsection, the court may grant, ex parte, a motion
10 brought by the probation officer to add a further
11 requirement if that requirement is directed to protect
12 the safety of the public or of a member of the
13 public. Any requirement so added may be dissolved
14 upon the successful petition of the person on
15 probation, after a hearing on notice to the probation
16 officer.

17 STATEMENT OF FACT

18 Under present laws, the Division of Probation and
19 Parole does not have authority to bring an ex parte
20 motion to add special conditions in probation cases
21 which may be necessary to give immediate protection to
22 the public, although it can do so in parole cases.

23 This bill will allow restrictions to be added to
24 the conditions of probation through the ex parte
25 process in order to protect the public safety or
26 security. These added conditions will remain in
27 effect until such time as the probationer successfully
28 petitions for their removal.

29 4516120887